

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on March 3, 2003, and the references cited therewith.

Claim 8 is amended to clarify that the performance of the airframe is not monitored. Claims 35 - 38 are added. As a result, claims 1-38 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 4, 5, 7, 8 and 11 were rejected under 35 USC § 102(b) as being anticipated by Bellman, Jr. et al. (U.S. Patent No. 4,831,438). This rejection is respectfully traversed as a prima facie case of anticipation has not been established. At least one element is clearly missing from the reference.

Airframe 105 is not a component according to the application, but is a something “to which aircraft components are affixed...” Col. 4, lines 3-7. Airframe noise is measured to cancel it, not to indicate its operation. In Bellman Jr. et al., since airframe noise is cancelled, it is not a component whose operation is indicated by the audio output as claimed in claim 1. The statements in the Office Action are traversed: “The airframe, which is a sound source, is a specific aircraft component. The sound source is usually noise, which is cancelled by the control unit 400, which uses a mixer to accomplish that.” The statements expressly state that the airframe is a component, and therefore by implication, a component whose operation is indicated by the audio output. Since airframe noise is cancelled, as stated in the Office Action, the airframe’s operation can not be indicated by such audio output. Thus, the airframe cannot be a component, and a prima facie case of anticipation has not been established since the rejection relies on the airframe being characterized as such a component. Since at least one element of claim 1 is clearly missing in Bellman Jr. et al., the rejection should be withdrawn.

Claims 4, 5, 7, 8 and 11 depend from claim 1 and distinguish Bellman Jr. et al. for at least the same reasons as claim 1.

§103 Rejection of the Claims

Claims 1, 4, 5 and 7-10 were rejected under 35 USC § 103(a) as being unpatentable over Tanis (U.S. Patent No. 5,406,487). This rejection is respectfully traversed, as at least one element of the claims is lacking in Tanis.

The Office Action refers to element reference number “2” in Tanis as being a microphone, and that “Audio input from the aircraft component is received at the microphone 2...” Actually, “the transducer 2 is of the ultrasonic type which generates pulses to the ground and receives echoes therefrom. The transducer produces an output in response to the echoes which is a function of the distance from the transducer to the ground.” Col. 3, lines 45-50. It should also be noted that transducer 2 is located in a position and arrangement that “prevents the transducer from responding to noise and vibration produced by the aircraft.” Col. 3, lines 38-41. Thus, the transducer specifically does not sense sound from an aircraft component, and does not provide an audio output that “indicates operation of the at least one aircraft component” as claimed in all claims 1, 4, 5 and 7-10. The rejection should be withdrawn.

Claim 11 was rejected under 35 USC § 103(a) as being unpatentable over Tanis in view of Andersson (U.S. Patent No. 5,692,702). This rejection is respectfully traversed. Anderson does not supply the elements missing from Tanis as described above. Thus, the combination, even if proper, does not establish a prima facie case of obviousness as at least one of the elements of claim 11 is missing.

Claims 35-38 have been added. Claim 35 is derived from claim 1, and indicates that sounds from multiple components are monitored simultaneously. It distinguishes from the references for at least the same reasons as claim 1, and further in light of such simultaneity. Support for the new claims is found at least at Page 3, lines 15-16, Page 6, lines 6-10, Page 8, lines 9-23 and Page 10, lines 7-10.

Allowable Subject Matter

Claims 2, 3 and 6 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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the base claim and any intervening claims. Such claims have not been rewritten yet in light of the above remarks regarding claim 1.

Applicant acknowledges the allowance of claims 12-34.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Brad Forrest, at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

VICTOR A. RILEY

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

612-373-6972 6911

Date May 5, 2003

By 

David W. Black

Reg. No. 42,331

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 5 day of May, 2003

Tina Kohrt



Name

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